

## NOTICE OF EMERGENCY RULE REPEAL AND PROMULGATION

AGENCY: Department of Marine Resources

STATUTORY AUTHORITY: 12 M.R.S.A. §§ 6172, 6192 and 6193

**RULE REPEAL AND PROMULGATION:** DMR Regulations: 95.03 I, Closed Area No. 17, Harraseeket River, Freeport, promulgated on May 3, 2006; and 95.03 PP, Closed Area No. 17-D, Bustins Island, Freeport, promulgated on May 25, 2006; have been repealed and replaced with the following rule:

**TEXT OF RULE:** DMR Regulation 95.03 F, Closed Area No. 15, Harraseeket River and Bustins Island (Freeport)

- A. Effective immediately, because of pollution, it shall be unlawful to dig, take or possess any clams, quahogs, oysters or mussels taken from the shores, flats and waters of the following areas:
1. Harraseeket River: north of a line beginning at the southwest tip of Birch Point, then running due west to the northeast end of the causeway to Bartol Island. This area is classified as "Conditionally Restricted" and requires a special MDMR permit. This area shall be closed to all harvest during any malfunction at the Freeport Sewage Treatment Plant.
  2. Harraseeket River: south of a line beginning at the north end of Nappi's Cove, then running due east to the south tip of Bartol Island, then running southeast to an orange painted post, located 375 yards north of Winer's Cove; AND north of a line beginning at the end of Talbot Way on the west shore of the Harraseeket River, then running southeast to the southernmost boundary of Wolf Neck State Park.
  3. Bustins Island: within 500 feet of the shore.
- B. Effective immediately, because of pollution, the shores, flats and waters of the Harraseeket River: south of a line beginning at the southwest tip of Birch Point, then running due west to the northeast end of the causeway to Bartol Island AND north of a line beginning at the north end of Nappi's Cove, then running due east to the south tip of Bartol Island, then running southeast to an orange painted post, located 375 yards north of Winer's Cove; have been classified as "Conditionally Approved," and shall be closed to the harvest of clams, quahogs, oysters and mussels during any malfunction at the Freeport Sewage Treatment Plant.
- C. Effective immediately, because of pollution, the shores, flats and waters of the Harraseeket River: south of a line beginning at the end of Talbot Way on the west shore of the Harraseeket River, then running southeast to the southernmost boundary of Wolf Neck State Park; AND north of a line beginning at an orange painted post located approximately 25 yards north of the northwest end of Brewer's Marine Service, then running southeast to an orange painted rock located on the west shore of Wolf Neck; have been classified as "Conditionally Approved," and shall be closed to the harvest of clams, quahogs, oysters and mussels during any malfunction at the Freeport Sewage Treatment Plant.

- D. Effective immediately, because of pollution, the shores, flats and waters of the Harraseeket River: south of a line beginning at an orange painted post located approximately 25 yards north of the northwest end of Brewer's Marine Service, then running southeast to an orange painted rock located on the west shore of Wolf Neck; AND north of a line beginning at an orange painted post located about 230 yards south of the Harraseeket Yacht Club, then running southeast to the north tip of Stockbridge Point, then continuing east across the mouth of the Harraseeket River to the south end of the old stone pier on Moore Point; have been classified as "Conditionally Approved," and shall be closed to the harvest of clams, quahogs, oysters and mussels from May 1 through November 30, and during any malfunction at the Freeport Sewage Treatment Plant.
- E. Effective immediately, because of pollution, the shores, flats and waters of the Harraseeket River: southwest of a line beginning at an orange painted post located about 230 yards south of the Harraseeket Yacht Club, then running southeast to the north tip of Stockbridge Point; have been classified as "Conditionally Approved," and shall be closed to the harvest of clams, quahogs, oysters and mussels during any malfunction at the Freeport Sewage Treatment Plant.

EFFECTIVE DATE: November 6, 2006

EFFECTIVE TIME: 10:30 AM

AGENCY CONTACT PERSON:

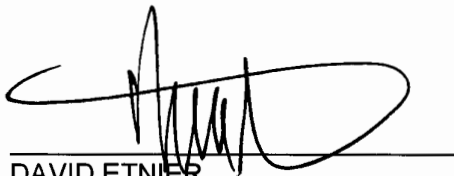
Amy M. Fitzpatrick  
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[http://www.maine.gov/dmr/rm/public\\_health/closures/closedarea.htm](http://www.maine.gov/dmr/rm/public_health/closures/closedarea.htm)

PORTLAND PRESS HERALD  
November 9, 2006

#### STATEMENT OF FACT AND POLICY

The Commissioner of the Maine Department of Marine Resources repeals DMR Regulations 95.03 I, Closed Area No. 17, Harraseeket River, Freeport, promulgated on May 3, 2006; and 95.03 PP, Closed Area No. 17-D, Bustins Island, Freeport, promulgated on May 25, 2006, and replaces them with a new rule. This new rule administratively combines the areas previously described in Closed Areas No. 17 and 17-D and places them in this legal notice.



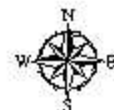
DAVID ETNIER  
DEPUTY COMMISSIONER



# Maine Department of Marine Resources



## Pollution Closed Area No. 15

Harraseeket River and Bustins Island (Freeport)



11/6/06

### Legend

-  Prohibited Area
-  Conditionally Restricted
-  Conditionally Approved

All of the Conditional areas shall be closed during any malfunction at the Freeport Sewage Treatment Plant

Seasonally  
CLOSED

May 1  
to  
November 30

